IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 14TH NOVEMBER 2006 / 23RD KARTHIKA 1928

RP.No. 466 of 2005(R)

AGAINST THE JUDGEMENT IN WPC.6667/2005 Dated 18/03/2005

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REVIEW PETITIONERS/RESPONDENTS:

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1. DIRECTOR OF COLLEGIATE EDUCATION
   THIRUVANANTHAPURAM.

2. SECRETARY TO GOVERNMENT, HIGHER
   EDUCATION, THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION, KOZHIKODE.

BY GOVERNMENT PLEADER SHRI. P.NANDAKUMAR

RESPONDENTS:

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1. ILYAS. T., LECTURER, PHYSICAL
   EDUCATION, DEPARTMENT OF PHYSICAL EDUCATION
   SIR SYED COLLEGE, TALIPARAMBA,
   KANNDUR DISTRICT.

2. THE PRINCIPAL, SIR SYED COLLEGE,
   TALIPARAMBA.

BY ADV. SRI.M.V.AMERASAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 14/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.K.DENESAN, J.

R.P.NO: 466 OF 2005 IN
WP(C)No. 6667 OF 2005

Dated this the 14th November, 2006.

O R D E R

Review petition is at the instance of respondents 1 to 3 in WP(C) 667/2005, which was disposed of taking note of the oral statement made before this Court by the Govt. Pleader appearing for respondents 1 to 3 in the writ petition that the actual pupil strength for the year 2004-05 in Sir Syed College, Taliparamba is 1024 and that two Junior Lecturers can be retained in the subject if the actual strength is above 1000. It is stated in the review petition that the actual strength of students has got relevance only in the matter of determining the number of posts of Lecturers and the statement made before this Court that two Junior Lecturers can be retained was the result of an inadvertent mistake and therefore the judgment of this Court requires necessary modification in the light of the correct factual position and the law to be applied based on such facts.

2. Heard counsel for the respondents/writ petitioners. It is submitted that even if the petitioner cannot be granted reliefs based on Ext.P2 order referred to in the writ petition which also refers to pupil strength vis-a-vis

the strength of Lecturers, the petitioner is entitled to maintain the relief he already got as per the above judgment in the light of Ext.P4 order. Other contentions also have been raised.

3. I feel that the contentions raised on behalf of the respondent/writ petitioner can be considered in the writ petition, if need be. As far as the review petition is concerned I am satisfied that there is an error apparent on the face of the record since this Court had decided the matter based on a statement made on behalf of the review petitioners which statement appears to be not factually correct. The said mistake goes to the root of the matter, and therefore, the judgment requires to be recalled. Accordingly the review petition is allowed and the judgment is recalled. W.P(C) 667/2005 is restored to file.

K.K.DENESAN
Judge

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